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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
TRUC VO, )  
 )  
Defendant. )

No. CR 08-00708-001 JF

**STIPULATION AND ORDER TO  
RELEASE FUNDS HELD BY CLERK  
TO VICTIMS MOTION PICTURE  
ASSOCIATION OF AMERICA AND  
SHOWTIME NETWORKS, INC.**

Plaintiff United States of America and defendant Truc Vo, by and through their counsel,  
enter into this stipulation with regard to these facts:

**RECITALS**

A. On or about October 15, 2008, the defendant pled guilty pursuant to a plea  
agreement to criminal copyright infringement. In the plea agreement, the defendant agreed that  
the total retail value of the pirated DVD's of television shows that he sold was \$61,419. This  
restitution amount was comprised of \$27,694 owing to Showtime Networks Inc. ("Showtime")

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1 (45% of the loss) and \$33,725 owing to the Motion Picture Association of America (the  
2 “MPAA”) (55% of the loss).

3 B. The plea agreement provided that the defendant was to pay restitution in the  
4 amount of \$33,184.31.<sup>1</sup> In other words, based on the percentage of the loss that it sustained,  
5 Showtime should receive 45% of the restitution amount of \$33,184.21, namely \$14,933.00.  
6 Further, the MPAA, which had sustained 55% of the loss, should receive 55% of the restitution  
7 amount of \$33,184.21, namely \$18,251.31.

8 C. Subsequent to pleading guilty, but prior to sentencing, the defendant deposited  
9 with the Clerk of the Court \$25,000 to be paid as restitution to his victims, the MPAA and  
10 Showtime Networks, Inc.. This left an outstanding restitution amount of \$8,184.31.

11 D. The defendant was sentenced on January 21, 2009. The Judgment in a Criminal  
12 Case dated February 5, 2009, ordered that the outstanding restitution amount of \$8,184.31 be  
13 made payable to the MPAA. However, the Judgement did not make provision for the payment  
14 of the \$25,000 to the MPAA or to Showtime, so the Clerk of the Court continues to hold those  
15 funds.

16 E. The parties to this stipulation would like to ensure that MPAA and Showtime  
17 receive their respective shares of the money that defendant promised to pay it in connection with  
18 the sentencing in this case. The Clerk would like an order directing him to disburse those funds.

19  
20 **STIPULATION**

21 The parties stipulate and agree that the Clerk of the Court should pay the \$25,000  
22 deposited on behalf of the defendant  
23  
24

25 \_\_\_\_\_  
26 <sup>1</sup>As stated in the plea agreement, \$28,234.69 had been seized from the defendant’s Bank  
27 of America account in December of 2005, prior to the filing of charges in this case. Those funds  
28 were subsequently spent by the investigating agency and therefore not available as restitution.  
The defendant was assessed restitution in the amount of \$33,184.31, which reflected the total  
loss amount of \$61,419 less the \$28,234.69 that had been seized from his account.

(1) \$10,067.00<sup>2</sup> to the MPAA, with any interest earned thereon, to:

Motion Picture Association of America  
Attn: June Leary, Litigation  
15301 Ventura Blvd., Building E  
Sherwood Oaks, CA 91403

(2) \$14,933.00<sup>3</sup> to Showtime, with any interest earned thereon, to:

Showtime Networks Inc.  
Attn: David M. Macesich, SVP, Entertainment Finance  
10880 Wilshire Boulevard.  
Suite 1600  
Los Angeles, CA 90024

SO STIPULATED.

DATED: July 10, 2009

/s/  
\_\_\_\_\_  
MICHAEL NICHOLS  
Counsel for Defendant

JOSEPH P. RUSSONIELLO  
United States Attorney

DATED: July 10, 2009

/s/  
\_\_\_\_\_  
SHAWNA YEN  
Assistant United States Attorney

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<sup>2</sup>This amount reflects MPAA's portion of the restitution, \$18,251.31 (reflecting 55% of the total restitution amount of \$33,184.21), less the \$8,184.31 that the Court directed to be paid to the MPAA at the time of sentencing.

<sup>3</sup>This amount reflects 45% of the restitution amount of \$33,184.21.

**ORDER**

Based on the stipulation of the parties and for good cause shown, it is hereby ORDERED that the Clerk of the Court is directed to pay the \$25,000 previously deposited on behalf of the defendant Truc Vo to the following victims in the amounts indicated below:

(1) \$10,067.00 to the MPAA, with any interest earned thereon, to:

Motion Picture Association of America  
Attn: June Leary, Litigation  
15301 Ventura Blvd., Building E  
Sherwood Oaks, CA 91403

(2) \$14,933.00 to Showtime, with any interest earned thereon, to:

Showtime Networks Inc.  
Attn: David M. Macesich, SVP, Entertainment Finance  
10880 Wilshire Boulevard.  
Suite 1600  
Los Angeles, CA 90024

IT IS SO ORDERED.

DATED: 7/16/09

  
JEREMY FOGEL  
UNITED STATES DISTRICT JUDGE